

REMARKS

Claims 1-3, 7-21 and 25-38 are pending. Claims 1, 21, and 30 are currently amended. Claims 37 and 38 have been added. Reconsideration of the application is requested.

Claim Amendments

Claims 1, 21, and 30 have been amended to recite that the binder is hardened. Support for the amendment appears at least at page 13, lines 6, and 11-13 of the specification. Claims 37 and 38, rewritten in independent form, are based on the allowable subject matter of claims 7 and 8.

§ 103 Rejections Over Bergsten '051

Claims 1-3, 9-18, 21, 25, 28-30 and 33-36 are rejected under 35 USC § 103(a) as being unpatentable over Bergsten et al. '051 in view of King '639 and Lux '070.

Claim 19 is rejected under 35 USC § 103(a) as being obvious over Bergsten et al. (051) in view of King '639) and Lux '070, as applied to claim 1 above and further in view of Nollen et al '091.

Claim 20 is rejected under 35 USC § 103(a) as being obvious over Bergsten et al. '051 in view of King '639, Lux '070 and Nollen et al. '091, as applied to claim 19 above and further in view of Braunschweig et al. '076.

Bergsten '051 is directed to a wipe for capturing dust, dirt, or sand while wiping surfaces. The wipe contains a number of peaks or raised regions separated by valleys. An exposed adhesive layer is provided in the valleys. If the exposed adhesive layer is applied to the wipe's entire surface, the peaks are de-tackified by applying a substance, e.g. talc, to the adhesive layer on the peaks. The wipe can be used to clean floors or wood surfaces by trapping dirt particles in the adhesive layer of the valleys where the residue is unlikely to damage the surface being cleaned. As noted in the Background of the Invention of Bergsten '051, a problem with cleaning sheets is that the collection of dust, sand, and particles by the wipe can subsequently scratch the surface a user is trying to clean. See Bergsten '051 paragraphs [0003] and [0005]. This is an undesirable attribute for a cleaning wipe, and the problem is solved by the use of an exposed adhesive layer in the valley regions of the wipe that traps and collects the residue away from the

surface being cleaned. At paragraph [0032], Bergsten '051 describes suitable adhesives for use with the wipe as those capable of being tacky at room temperature.

A proper *prima facie* case of obviousness has not been established for any of the prior art rejections since the proposed combination of Bergsten '051 with the prior art references as put forth by the Examiner in the Office Action dated 09/20/2007 would render the primary reference (Bergsten) unsatisfactory for its intended purpose. As discussed in § 2143.01(V) of the MPEP, "If the proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or modification to make the proposed modification." See *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984).

In particular, Applicants at page 13, line 18 state: "Binder 34, when solidified, hardened or cured, is non-tacky." Applicants have amended the claims to clarify that the binder is hardened and therefore non-tacky. The Examiner's proposed modifications would replace the tacky adhesive in Bergsten '051 with a hardened non-tacky binder. As such, the primary reference would be rendered unsatisfactory for its intended purpose of adhering dirt particles or sand in the adhesive layer in the valleys to prevent scratching surfaces during use. Therefore, one of ordinary skill in the art would not be motivated to replace the tacky adhesive layer in Bergsten '051 with a hardened binder as claimed since the dirt would no longer stick to the wipe.

§ 102 Rejections Over Smith '157

Claims 1, 15, 17, 18, 19, 20, 21, 28, 29 and 36 are rejected under 35 USC § 102(b) as anticipated by Smith '157.

Smith '157 discloses an embossed nonwoven cleaning wipe. The wipe has an embossed pattern that produces compacted areas 22 and 24, and uncompacted areas 28 and 30 as seen in Figure 4 and described at column 3, lines 7-45. Applicants' independent claims recite that the distance between the first surface of the substrate and the second surface of the substrate varies by no more than 30% throughout the substrate. Refer to Figure 2 and page 4, lines 6-14 of the specification. Smith '157, because of the embossing process, has thickness variations much greater than the claimed no more than 30% throughout the substrate. Refer to Figures 4, 7, 9, and 16 of Smith '157 where the uncompacted regions have a thickness that is drawn 2 to 4 times

greater than the thickness of the compacted regions. As such, the pending claims are not anticipated by Smith '157.

§ 103 Rejections Over Smith '157

Claim 25 is rejected under 35 USC § 103(a) as being obvious over Smith (157) as applied to claim 21 above and further in view of King (639).

Claims 30 and 33-35 are rejected under 35 USC § 103(a) as being obvious over Smith (157) in view of King et al.(639).

A proper *prima facie* case of obviousness has not been established since the proposed combinations fail to disclose all of the claimed limitations. In particular, the secondary references fail to cure the deficiency of Smith '157 for reasons stated in regard to the pending novelty rejection.

Summary

In view of the above, it is submitted that the application is in condition for allowance. Examination and reconsideration of the application is requested.

Respectfully submitted,

January 10, 2008
Date

By: Scott A. Baum
Scott A. Baum, Reg. No.: 51,237
Telephone No.: 651-733-1534

Office of Intellectual Property Counsel
3M Innovative Properties Company
Facsimile No.: 651-736-3833